

REMARKS

This Application has been carefully reviewed in light of the Office Action dated August 8, 2008 (“*Office Action*”). Claims 1-43 are pending in the application. The Examiner rejects Claims 1-43. Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejects Claims 1, 2, 14-16, 28, 29, 42, and 43 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,724,885 B1 issued to Deutsch, et al. (“*Deutsch*”) in view of U.S. Patent No. 7,248,677 B2 issued to Randall, et al. (“*Randall*”). Applicants respectfully traverse these rejections for at least the following reasons.

Independent Claim 1 is allowable because the proposed *Deutsch-Randall* combination fails to teach, suggest, or disclose every element of Claim 1. First, the proposed *Deutsch-Randall* combination fails to disclose “providing the caller with an option to commit to a predetermined time limit for the call time,” as recited in Claim 1. The cited portion of *Deutsch* merely discloses “play[ing] a menu of choices, including . . . receiving a ‘priority token’ and ‘priority code’ for later callback in the same queue position.” *Deutsch*, fig. 2, label 216. Merely “playing a menu of choices . . .” is not “providing the caller with an option to commit to a predetermined time limit for the call time.” Moreover, combining *Deutsch* with *Randall* fails to remedy this omission because *Randall* also does not disclose “providing the caller with an option to commit to a predetermined time limit for the call time.” *Randall* merely discloses “present[ing] an on-screen prompt to enter . . . how long the caller thinks the call might last” *Randall*, col. 5, ll. 50-51. *Randall* discloses the user providing to the system a proposed call time, instead of “providing the caller with an option to commit to a predetermined time limit” (emphasis added).

Second, the proposed *Deutsch-Randall* combination fails to disclose “assigning a higher priority to the call if the caller commits to the predetermined time limit” as recited in Claim 1. The cited portion of *Deutsch* merely discloses “receiving a ‘priority token’ and ‘priority code’ for later callback in the same queue position.” *Deutsch*, fig. 2, label 216 (emphasis added). *Deutsch* clearly discloses keeping the user in the same queue position in a subsequent call. The ‘priority token’ is merely a way for the caller to prevent falling backward in the queue. *Deutsch* does not disclose “receiving a call from a caller requesting

connection with one of a plurality of agents; and . . . assigning a higher priority to the call if the caller commits to the predetermined time limit" as recited in Claim 1 (emphasis added).

As a result, the proposed *Deutsch-Randall* combination fails to teach, suggest or disclose every limitation of Claim 1. Claim 1 is therefore allowable for at least these reasons. Although of differing scope from Claim 1, Claims 15, 29, and 43 include elements that, for reasons analogous to those discussed with respect to Claim 1, are not disclosed by the proposed *Deutsch-Randall* combination. Claims 15, 29, and 43 are allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 1, 15, 29, 43, and their respective dependent claims.

The Examiner rejects Claims 3-5, 10, 17-19, 24, 31-33, and 38 under 35 U.S.C. § 103(a) as being unpatentable over *Deutsch* in view of *Randall* and further in view of U.S. Patent No. 5,721,770 issued to *Kohler* ("*Kohler*"). Applicants respectfully traverse these rejections. Claims 3-5 and 10 depend from Claim 1, Claims 17-19 and 24 depend from Claim 15, and Claims 31-33 and 38 depend from Claim 29. Claims 1, 15, and 29 have all been shown above to be allowable. Claims 3-5, 10, 17-19, 24, 31-33, and 38 are thus allowable for at least these reasons.

Additionally, several of Claims 3-5, 10, 17-19, 24, 31-33, and 38 include further elements that the proposed *Deutsch-Randall-Kohler* combination fails to disclose, teach, or suggest. For example, the proposed *Deutsch-Randall-Kohler* combination fails to disclose additional elements of Claim 3. Claim 3 recites "connecting the call to one of the agents." *Kohler* discloses "plac[ing] the agent in auxiliary work (AUX) state, at step 306, to prevent the agent from receiving another call" and "start[ing] a timer to time the 'breather' or alternate-work time period During this time period, the agent does not receive ACD calls." *Kohler*, col. 5, ll. 33-38 (emphasis added). Thus, *Kohler* teaches "prevent[ing] the agent from receiving another call," and not "connecting the call to one of the agents," as recited in Claim 3.

Second, *Kohler* does not teach "determining that a call time associated with the call has exceeded a predetermined time limit" or "initiating a remedial action, in response to determining that the call time has exceeded the predetermined time limit" as recited in Claim 3 (emphasis added). Instead, *Kohler* discloses "a timer to time the 'breather' or alternate-work time period." *Kohler*, col. 5, l. 35 (emphasis added). As *Kohler* explicitly indicates, an agent does not receive ACD calls during this time period. *Kohler* discloses "plac[ing] the

agent in auxiliary work (AUX) state, at step 306, to prevent the agent from receiving another call” and “start[ing] a timer to time the ‘breather’ or alternate-work time period During this time period, the agent does not receive ACD calls.” *Kohler*, col. 5, ll. 33-38 (emphasis added). Thus, *Kohler* teaches a timer that is directed towards timing a period when the agent is not on a call, and not “a call time associated with the call,” as recited in Claim 3.

As a result, the proposed *Deutsch-Randall-Kohler* fails to disclose additional elements of Claim 3. Claim 3 is therefore allowable for at least these additional reasons. Although of differing scope from Claim 3, Claims 4-5, 10, 17-19, 24, and 31 include elements that, for reasons analogous to those with respect to Claim 3, are not disclosed by the proposed *Deutsch-Randall-Kohler* combination. Claims 4-5, 10, 17-19, 24, and 31 are thus allowable for at least these additional reasons. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 3-5, 10, 17-19, 24, 31-33, and 38.

The Examiner rejects Claims 6-9, 11-13, 20-23, 25-27, 34-37, and 39-41 under 35 U.S.C. § 103(a) as being unpatentable over *Deutsch*, in view of *Randall*, in view of *Kohler* and further in view of U.S. Patent No. 5,214,688 issued to Szlam, et al. (“*Szlam*”). Applicants respectfully traverse these rejections. Claims 6-9 and 11-13 depend from Claim 1, Claims 20-23 and 25-27 depend from Claim 15, and Claims 34-37 and 39-41 depend from Claim 29. Claims 1, 15, and 29 have all been shown above to be allowable. Claims 6-9, 11-13, 20-23, 25-27, 34-37, and 39-41 are therefore allowable for at least these reasons. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 6-9, 11-13, 20-23, 25-27, 34-37, and 39-41.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If there are matters that can be discussed by telephone to further the prosecution of this Application, Applicants invite the Examiner to call the undersigned attorney at (214) 953-6452 at the Examiner's convenience.

Applicants believe that no fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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